

AMENDED IN SENATE JULY 2, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 656**

**Introduced by Assembly Member Corbett**  
(Principal coauthor: Senator Alpert)

February 19, 2003

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An act to add Section 4001.5 to the Family Code, relating to child support.

LEGISLATIVE COUNSEL'S DIGEST

AB 656, as amended, Corbett. Child support collection.

Existing law authorizes a court to issue an order for child support, as specified.

This bill would require that ~~each~~ every child support order issued by the court ~~provide that the obligee is entitled to recover the actual and reasonable costs of collection from the obligor, except in cases being enforced by local child support agencies. The bill would also provide that if an obligee has utilized the services of an individual or entity other than a local child support agency for the collection of support, that individual or entity is required to recover the costs of collecting the child support from the obligor on or after January 1, 2004, and that every support agreement providing for the payment of child support approved by a court on or after January 1, 2004, include a separate obligation owed by the support obligor for the cost of collection of past due child support collected by a private child support collector, as defined, payable as a private child support collector fee of 25% on any past due child support collected by a private child support collector pursuant to a contract with the support obligee as his or her agent. The~~

bill would also provide that the fee may be enforced by the private child support collector by any remedy available to the obligee for enforcement of the child support order without the requirement of additional action or order by the court.

The bill would limit the standing of a child support obligor to contest a private child support fee or any child support obligation to which it applies by way of an order to show cause, but only after he or she has made full payment of the past due child support in question and the applicable private child support collector fee, as specified.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 4001.5 is added to the Family Code, to  
2 read:

3 ~~4001.5. (a) Each child support order issued by the court shall~~  
4 ~~provide that the obligee is entitled to recover the actual and~~  
5 ~~reasonable costs of collection from the obligor, except in cases~~  
6 ~~being enforced pursuant to Section 17400 or 17402.~~

7 ~~(b) If an obligee has utilized the services of an individual or~~  
8 ~~entity other than a local child support agency for the collection of~~  
9 ~~child support, that individual or entity is required to recover the~~  
10 ~~costs of collecting the child support from the obligor pursuant to~~  
11 ~~subdivision (a).~~

12 4001.5. (a) Every court order for child support issued on or  
13 after January 1, 2004, and every support agreement providing for  
14 the payment of child support approved by a court on or after  
15 January 1, 2004, shall include a separate obligation owed by the  
16 support obligor for the cost of collection of past due child support  
17 by a private child support collector, payable as a private child  
18 support collector fee of 25 percent on any amount of child support  
19 that is not received by the obligee on or before the date by which  
20 a payment of child support is due and that is collected under  
21 contract by a private child support collector pursuant to this  
22 section. This fee shall have the force and effect of a money  
23 judgment in favor of the private child support collector and the  
24 support obligee, jointly, if the support obligee has contracted with  
25 a private child support collector for the collection of past due child  
26 support as his or her agent, which fee shall apply to all past due

1 *child support collected by the private child support collector*  
2 *pursuant to that contract. The fee may be enforced by the private*  
3 *child support collector by any remedy available to the obligee for*  
4 *the enforcement of the child support order without the requirement*  
5 *of any additional action or order by the court.*

6 *(b) A child support obligor shall have standing to contest a*  
7 *private child support collector fee, or any child support obligation*  
8 *to which it applies, by way of an order to show cause, but only after*  
9 *he or she has made full payment of the past due child support and*  
10 *applicable private child support collector fee.*

11 *(c) For purposes of this section, a “private child support*  
12 *collector” means any individual, corporation, or other*  
13 *nongovernmental entity that engages in the business of collecting*  
14 *child support pursuant to a contract with the child support obligee,*  
15 *other than the obligee’s attorney of record.*

